

E-FILING

United States District Court

NORTHERN

DISTRICT OF

FILED
CALIFORNIA

UNITED STATES OF AMERICA

V.

Carlos BARRAGAN-Barrera

2008 JUL 14 P 3:21

RICHARD W. WIEKING
CLERK
DISTRICT COURT
NO. DIST. OF CA., S.J.

CRIMINAL COMPLAINT

08-70431 HRL

(Name and Address of Defendant)

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, July 7, 2008, in Santa Clara County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

7/14/08
Date

at

San Jose, California

City and State

Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

DOCUMENT NO.	CSA's INITIALS
DISTRICT COURT CRIMINAL CASE PROCESSING	

RE: Carlos BARRAGAN-Barrera

A26 377 998

I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Carlos BARRAGAN-Barrera, is a 45 year-old single male whose Date of Birth is currently understood to be November 12, 1962. He is a citizen and native of Mexico as substantiated by sworn statements made to that effect by the DEFENDANT on July 8, 2008;
- (2) The DEFENDANT has been assigned Alien Registration number of A 26 377 998, FBI number of 352054CA8, California Criminal State ID Number of CA07554690 and PFN Number CIL979;
- (3) On November 18, 1988, the DEFENDANT was convicted in the Superior Court of California/County of San Mateo, for the offense of: POSSESSION OF A DESIGNATED CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code Section 11350, for which the DEFENDANT was sentenced to (1) year and (4) months in jail (*concurrent*);
- (4) On April 21, 1989, the DEFENDANT was convicted in the Superior Court of California/County of San Mateo, for the offense of: TRANSPORT/SALE OF CONTROLLED SUBSTANCE-HEROIN, a felony, in violation of California Health and Safety Code Section 11352 for which the DEFENDANT was sentenced to (3) years in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 101(a)(43)(B);
- (5) On June 19, 1990, the DEFENDANT was convicted in the Superior Court of California/County of San Mateo, for the offense of: POSSESSION OF A DESIGNATED CONTROLLED SUSTANCE, a felony, in violation of California Health and Safety Code Section 11350, for which the DEFENDANT was sentenced to (1) year and (4) months in jail (*concurrent*);

RE: Carlos BARRAGAN-Barrera


A26 377 998

- (6) On January 4, 1993, the DEFENDANT was convicted in the Superior Court of California/County of San Mateo, for the offenses of: BURGLARY IN THE 1ST DEGREE, a felony, in violation of California Penal Code Section 460(A) for which the DEFENDANT was sentenced to (3) years in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 101(a)(43)(G);
- (7) On July 6, 1994, the DEFENDANT was determined to be unlawfully present in the United States by the Immigration Judge, EOIR San Diego, California, and ordered removed from the United States to Mexico;
- (8) On May 15, 2005, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the following misdemeanor offenses: DRIVING WITHOUT A LICENSE, in violation of California Vehicle Code, Section 12500(A) and DUI ALCOHOL, in violation of California Vehicle Code, Section 23152(B) for which he was sentenced to (6) days in jail;
- (9) The DEFENDANT, on a date unknown, but no later than July 7, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and removals/deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, Section 1326. On July 8, 2008, the DEFENDANT was interviewed by Immigration Enforcement Agent David Vargas at the Santa Clara County Jail, in San Jose, CA, and, during the interview, the DEFENDANT was read his **Miranda** rights in the Spanish language. The DEFENDANT declined to invoke his **Miranda** rights and provided a written sworn statement attesting to his alienage as both: a Mexican citizen and national;
- (10) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (11) On July 8, 2008, the DEFENDANT'S fingerprints were taken as part of the standard booking procedures. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with fingerprints of Carlos BARRAGAN-Barrera (A#26 377 998) on official documents in his Administrative File. The latent print examiner determined that the fingerprints were identical and related to Carlos BARRAGAN-Barrera (A#26 377 998).

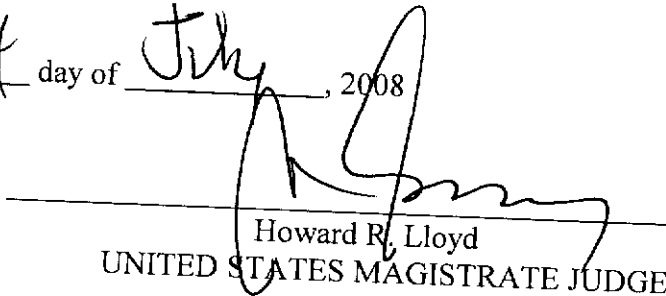
RE: Carlos BARRAGAN-Barrera

A26 377 998

- (12) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.


Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 14 day of July, 2008


Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE